

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-MJ-8050-BER

UNITED STATES OF AMERICA

v.

MATTHEW BRANDEN GARRELL,

Defendant

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shanick Maynard)? No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No

Respectfully submitted,

MARKENZIE LAPOINTE
UNITED STATES ATTORNEY

By:

Gregory Schiller
Gregory Schiller

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UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

MATTHEW BRANDEN GARRELL

Case No. 23-MJ-8050-BER

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 2022 through November 2022 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section

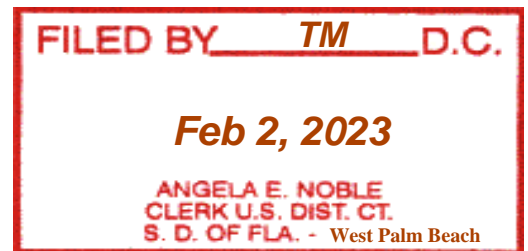
18 U.S.C. § 2251(d) and (e)

Offense Description

Conspiracy to advertise child pornography

This criminal complaint is based on these facts:

See attached Affidavit



☒ Continued on the attached sheet.

David J. Backlund

Complainant's signature

FBI Special Agent David J. Backlund

Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (FaceTime).

Date: 02/02/2023

Bruce E. Reinhart

Judge's signature

City and state: West Palm Beach, Florida

United States Magistrate Judge Bruce E. Reinhart

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, David J. Backlund, a Special Agent with the Federal Bureau of Investigation (“FBI”) being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since September 2008, and am currently assigned to the FBI’s Child Exploitation Operational Unit within the Criminal Investigative Division. As part of my duties as a Special Agent, I am assigned to investigate violations of federal law, including the online exploitation of children. This includes violations pertaining to the illegal trafficking, production, transmission, possession, and receipt of material depicting the sexual exploitation of minors.

2. I am submitting this affidavit in support of a criminal complaint and arrest warrant for MATTHEW BRANDEN GARRELL, year of birth: 1987, social security number: XXX-XX-9726. I submit there is probable cause to believe that beginning at least in or about April 2022, and continuing through in or about November 2022, in the Southern District of Florida and elsewhere, GARRELL conspired with others to advertise child pornography in violation of 18 U.S.C. § 2251(d) and (e). The term “child pornography,” as used in this affidavit, refers to the definition set forth in 18 U.S.C. § 2256(8)(A).

3. Title 18 U.S.C. § 2251(d) and (e) prohibit any person from conspiring to knowingly make, print, or publish, or cause to be made, printed or published, any notice or advertisement seeking or offering to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct, when such person knows or has reason to know that such notice or advertisement will be transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any

means including by computer, or when such notice or advertisement was transported using any means or facility of interstate or foreign commerce or in or affecting interstate commerce by any means including by computer. Here, I submit that there is probable cause that GARRELL violated 18 U.S.C. § 2251(d) and (e) because, as described more fully below, he was a member and facilitator of a website that was dedicated to the advertisement, distribution, and exchange of child pornography, and on which, in accordance with the rules of the website, users advertised and distributed child pornography via notices and advertisements in the form of URL links and descriptive text.

4. The statements contained in this affidavit are based in part on information provided by FBI Special Agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by FBI agents and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI. Since this affidavit is being submitted for the purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe GARRELL has violated 18 U.S.C. § 2251(d) and (e).

5. The FBI is investigating a website (hereinafter referred to as the “TARGET WEBSITE”) that allowed users to engage in online communications with other users until it stopped operating in approximately November 2022. Users of the TARGET WEBSITE trafficked in child pornography images and videos via the posting of web links within messages. These links allowed a user to navigate to another website, such as a file-hosting website, where images and/or

videos were stored in order to download these images and videos. When posting the links, users of the TARGET WEBSITE also generally included descriptive text that provided information about the sexual acts and age and gender of the child victim depicted in the linked-to child pornography files. The TARGET WEBSITE provided rules that instructed users to share child pornography in this manner. The TARGET WEBSITE consisted of at least 100 registered members. Registered members of the TARGET WEBSITE, and any user with a higher status than registered member, all had their usernames reserved for their exclusive use and had to access their accounts through passwords chosen by the users. Usernames that were taken by registered members or users of higher status could not be used by any other website user. Until approximately July 2022, a high-ranking administrator of the TARGET WEBSITE resided in Palm Beach County, Florida, within the Southern District of Florida, and advertised child pornography and took acts to help manage the website from his home.

6. FBI investigation has further revealed that another particular user of the TARGET WEBSITE, acting under a particular online alias and referred to here as the "SUBJECT USER," acted in a position of leadership on the website. According to communications made over the TARGET WEBSITE, the SUBJECT USER corrected the formatting of child-pornography postings made by other users to adhere to the TARGET WEBSITE's rules, moderated user behavior, muted users for violating the TARGET WEBSITE's rules, and provided advice to other users on how to attain greater status on the TARGET WEBSITE. The FBI has further determined that the SUBJECT USER had been active as a registered user on the TARGET WEBSITE from at least April 2022 until the website ceased operating in November 2022.

7. FBI investigation further revealed that the SUBJECT USER has also shared URL links to child pornography via the TARGET WEBSITE that were accessible to numerous other

TARGET WEBSITE users. Below are examples of some of the links shared by the SUBJECT USER:

- a. On or about May 25, 2022, the SUBJECT USER shared a link alongside descriptive text indicating that the linked-to child pornography files depicted a posing “preteen” girl. The link redirected to another website that contained an album of six images of what appears to be the same prepubescent girl, estimated to be between five and seven years of age. In four of the images, the girl is lying down or sitting with her legs spread wide apart, exposing her vagina for the camera. In another, the girl is on her knees with her anus and vagina exposed for the camera. The girl appears to be spreading her buttocks to further expose her vagina. The girl has young bodily and facial features as well as no noticeable pubic hair or breast development.
- b. In another posting on or about May 25, 2022, the SUBJECT USER shared a link alongside descriptive text indicating that the linked-to child pornography files depicted a “preteen” girl engaged in oral sex, among other things. The link redirected to another website that contained an album of 64 images of a prepubescent girl, estimated to be between four and six years of age. The girl is a known victim of sexual abuse who has been previously identified by law enforcement. The girl is nude in the majority of images. In multiple images, her anus and vagina are exposed for the camera. In other images, an adult man has his erect penis inserted into the girl’s mouth. In still other images, the girl inserts objects into her anus and vagina and an adult man penetrates the girl’s vagina and

anus with his erect penis. The girl has young bodily and facial features as well as no noticeable pubic hair or breast development.

IDENTIFICATION OF MATTHEW GARRELL AS THE SUBJECT USER

8. On or about February 2, 2023, FBI agents conducted a knock and talk at GARRELL's residence in Raleigh, North Carolina, and GARRELL let the agents into his residence. After being advised of his rights, GARRELL admitted to FBI agents that he was the SUBJECT USER on the TARGET WEBSITE. He stated that he had been on the TARGET WEBSITE for several years, had shared child pornography on the TARGET WEBSITE depicting toddler-aged children engaged in sex acts with adults, and had taken steps to moderate the activity of other users on the TARGET WEBSITE as described above. He also stated that he maintained child pornography on devices in his residence.

9. Also on or about February 2, 2023, the FBI executed a search warrant issued by the U.S. District Court for the Eastern District of North Carolina to seize and search electronic devices at GARRELL's residence. During the execution of the warrant, FBI agents discovered evidence of GARRELL's possession of child pornography. For example, a forensic preview of a thumb drive found in GARRELL's residence revealed a large volume of images and videos of child pornography, including the following files:

- a. An image of prepubescent girl who appears to be approximately five to seven years old based on her young facial and bodily features performing oral sex on an adult male's erect penis while her vagina is exposed.
- b. A video of a prepubescent girl who appears to be approximately three to four years old based on her young facial and bodily features performing oral sex on an adult male's erect penis while wearing a diaper.

- c. A video of prepubescent girl who appears to be approximately six to nine years old based on her young facial and bodily features performing oral sex on an adult male's erect penis. Later in the video, the adult male penetrates the minor's anus with a phallic object and his erect penis.

CONCLUSION

10. For these reasons, your Affiant respectfully submits that there is probable cause to believe that MATTHEW BRANDEN GARRELL violated 18 U.S.C. § 2251(d) and (e) within the Southern District of Florida and elsewhere by conspiring with others to advertise child pornography. I therefore respectfully request that the Court authorize a criminal complaint and arrest warrant for GARRELL.

Respectfully submitted,



David J. Backlund
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me by applicant by telephone (Facetime) per the requirements of Fed. R. Crim. P. 4(d) and 4.1 on this 2nd day of February, 2023.



HON. BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: MATTHEW BRANDEN GARRELL

Case No: 23-MJ-8050-BER

Count #1:

Conspiracy to advertise child pornography

18 U.S.C. § 2251(d) and (e)

*** Max. Term of Imprisonment:** 30 years

*** Mandatory Min. Term of Imprisonment (if applicable):** 15 years

*** Max. Supervised Release:** Life (mandatory minimum term of 5 years)

*** Max. Fine:** \$250,000 fine and a \$5,000 special assessment

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**